

REMARKS/ARGUMENTS

Claims 20-23, 25-29, and 81 are pending in the application. Claims 23 and 25-26 and the abstract have been amended.

Claims 23 and 25 were rejected under 35 U.S.C. §112, second paragraph. Claims 20 and 25 were rejected under 35 U.S.C. §103(a) as being rendered unpatentable by Eldering, U.S. Patent No. 6,216,129 B1 (hereinafter “Eldering”) in view of Hendricks et al., U.S. Patent No. 6,463,585 (hereinafter “Hendricks”) and in further view of Miller et al., U.S. Patent No. 5,842,199 (hereinafter “Miller”). Claims 21-23, 26-29, and 81 were rejected under 35 U.S.C. §103(a) as being rendered unpatentable by Eldering in view of Hendricks in further view of Geerlings, U.S. Patent No. 5,956,693 (hereinafter “Geerlings”) in further view of Biliris et al, U.S. Patent No. 6,055,491 (hereinafter “Biliris”).

Rejections under 35 U.S.C. §112 and Objections to the Abstract

Claims 23 and 25 were rejected under 35 U.S.C. §112, second paragraph. The claims have been amended to comply with the Examiner’s suggestions. The Abstract has also been amended to overcome the Examiner’s objections.

Rejections under 35 U.S.C. §103

Claims 20 and 25 were rejected under 35 U.S.C. §103(a) as being rendered unpatentable by Eldering in view of Hendricks and in further view of Miller. Eldering discloses an advertisement selection system in which vectors describing an actual or hypothetical market for a product or desired viewing audience can be determined. (See

Abstract) Hendricks discloses a novel multiple channel architecture designed to allow targeted advertising directed to television terminals connected to an operations center or a cable headend. (See Abstract) Miller discloses an electronic information system for determining predictive utility of prediction techniques in ascertaining which items are valued. (See Abstract)

Eldering and Miller do not teach defining an error function which describes said dynamic datasets in terms of said mathematical assumption, as recited in claims 20 and 25, nor does the Office Action claim such. For this element, the Office Action cites to two sections of Hendricks. The first section of Hendricks cited in the Office Action states:

In addition, other marketing information 722 such as the demographics of viewers during certain time periods may be received by the MII 702. The MII 702 also uses algorithms 724 to analyze the program watched information and marketing data 720, 722, and provides the analyzed information to the processing and editing subroutines.

(Hendricks, col. 11, lines 44-50).

In this section, Hendricks discloses analyzing collected marketing information. The cited section makes no mention of creating an error function. The second section of Hendricks cited in the Office Action states:

Using the information above, the spot placement engine 307 determines: 1) how many feeder channels are assigned to which program; 2) which targeting category is used for which program; 3) which advertisements air on which feeder channels/program channels; and 4) which groups are assigned to which feeder channels/program channels. The algorithm in the spot placement engine 307 that assigns targeted advertisements to the program and feeder channels assumes that of the total number of feeders channels available [TOTAL_FEEDERS], no more than some maximum number of the feeder channels can be or are desired to be assigned to a given program at any given time. This amount is denoted as [MAX_FEEDERS]. The algorithm spreads the available feeder channels among several programs. The algorithm can also be modified to support different rates charged to different advertisers and can take into account the following:

(Hendricks, col. 42, lines 56-66).

In this section, Hendricks describes determining which feeder channels should be assigned which advertising. The cited section also makes no reference to defining an error function. An error function is not defined in all of Hendricks. While, as the Office Action states, any mathematical assumption can be subject to error, this does not automatically show an error function being defined. Applicants respectfully submit, therefore, that elements of claims 20 and 25 are neither shown nor suggested by Hendricks. Accordingly reconsideration and withdrawal of the rejection of claims 20 and 25 under 35 U.S.C. §103(a) is respectfully requested.

Claims 21-23, 26-29, and 81 were rejected under 35 U.S.C. §103(a) as being rendered unpatentable by Eldering in view of Hendricks in further view of Geerlings in further view of Biliris. Geerlings discloses a computer system to provide automated merchant-to-customer communication. (*See Abstract*) Biliris discloses analyzing a plurality of co-evolving time sequences to, for example, perform correlation or outlier detection on the time sequences. (*See Abstract*)

Applicants respectfully submit that neither Eldering, Hendricks, Geerlings, Biliris nor any combination thereof teach or suggest defining an error function which describes said static and dynamic datasets in terms of said mathematical assumption, as claimed in claims 20 and 25 as amended.

Applicants would also ask which of the above references discloses using the computer processor to store said mathematical assumption in a database as a rule system between said dynamic and static datasets. The Office Action states that this element of claims 20 and 25,

and by their dependency claims 21-23, 26-29 and 81, was taught by Miller when rejecting claims 20 and 25. The rejection of 21-23, 26-29 and 81 does not list Miller as prior art. Applicants would like to know which prior art reference replaces Miller in the formulation of the Office Action.

Claims 21-23, 26-29, and 81 depend from and further define claims 20 and 25. Accordingly reconsideration and withdrawal of the rejection of claims 21-23, 26-29, and 81 under 35 U.S.C. §103(a) are respectfully requested.

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

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